

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE HONORABLE OTTO J. REICH and OTTO :	:	
REICH ASSOCIATES, LLC, :	:	
Plaintiffs, :	:	
	:	13-CV-5307 (JPO)
-v- :	:	
	:	<u>ORDER</u>
LEOPOLDO ALEJANDRO BETANCOURT :	:	
LOPEZ, PEDRO JOSE TREBBAU LOPEZ, and :	:	
FRANCISCO D'AGOSTINO CASADO, :	:	
Defendants. :	:	
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J. PAUL OETKEN, District Judge:

Plaintiffs Otto J. Reich and Otto Reich Associates, LLC, have asked this Court to reconsider its decision disallowing access to banking “statements” and to clarify that Plaintiffs may access non-statement banking “records.” Defendants Leopoldo Alejandro Betancourt Lopez (“Betancourt”) and Pedro Jose Trebbau Lopez (“Trebbau”) have asked for a protective order clarifying that Plaintiffs cannot access their banking records and quashing certain third party subpoenas.

Betancourt and Trebbau have represented that they have already “disclosed the number of . . . accounts, the nature of those accounts and the duration of existence of those accounts.” (Letter from Defendant Pedro Jose Trebbau Lopez, Filed Under Seal.) This information exhausts the category of non-statement banking records to which the Court referred in its November 13 order. (Dkt. No. 103.) To the extent that further information is needed to confirm this information, Plaintiffs are entitled to ask Betancourt and Trebbau about it at their depositions. And plaintiffs are entitled to ask Betancourt and Trebbau what percentage of their net worth is kept in New York. But, to be clear, Plaintiffs are *not* entitled to any further banking records.

Betancourt and Trebbau's request for a protective order is granted. Plaintiffs are not entitled to discovery of banking or credit card records concerning Betancourt or Trebbau. Banking and credit card records include bank statements, credit card statements, checks, deposit records, credit card receipts, transfer instructions, opening and closing documents, and other similar documents reflecting Defendants' banking, investment, or financial transactions. Plaintiffs' subpoenas to J.P. Morgan Chase, Citibank, and American Express are hereby quashed to the extent that they seek Betancourt's or Trebbau's personal banking or credit card records.

SO ORDERED.

Dated: December 4, 2014
New York, New York



J. PAUL OETKEN
United States District Judge